

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 GABRIEL ECKARD,

9 Plaintiff,

10 v.

11 DAVID WALTERS, et al.,

12 Defendants.  
13

Case No. C18-1258-RSM-JPD

MINUTE ORDER

14 The following Minute Order is made at the direction of the Court, the Hon. James P.  
15 Donohue, United States Magistrate Judge:

16 Plaintiff is proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983 prisoner  
17 civil rights action. On January 25, 2019, plaintiff filed a motion to voluntarily dismiss this action  
18 without prejudice. Dkt. 24. On January 28, 2019, defendants filed a response stipulating to the  
19 dismissal. Dkt. 25.

20 Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may voluntarily dismiss  
21 an action without a court order by filing a notice of dismissal before the opposing party serves  
22 either an answer or a motion for summary judgment. Defendants have not yet served an answer  
23 or a motion for summary judgment. Accordingly, the Court construes plaintiff's motion to

1 dismiss as a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i), and the clerk shall  
2 close this action.

3 Dated this 5th day of February, 2019.

4 William M. McCool

Clerk of Court

5 By: /s/ Paula McNabb

6 Deputy Clerk  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23